

Brenda Backen

From: Laurie Cordell [laurie@mvlwb.com]
Sent: Monday, May 06, 2002 1:27 PM
o: Brenda Backen
Subject: FW: Cantung review and clarification of process N3L2-0004



BDY.TXT



Laurie Cordell.vof

-----Original Message-----

From: Jane_McMullen@gov.nt.ca [mailto:Jane_McMullen@gov.nt.ca]
Sent: May 6, 2002 12:30 PM
To: laurie@mvlwb.com
Cc: Bob_Bailey@gov.nt.ca; Doris_Eggers@gov.nt.ca;
Sonya_Saunders@gov.nt.ca
Subject: FW: Cantung review and clarification of process

BDY.TXT

Thanks for the information, Laurie. You have pointed out other doors that may be open. However the section that you pointed out applies in

the case that a preliminary screening is not conducted, that is why the second question was posed in my earlier e-mail. You noted that the Board is obliged to do a preliminary screening. We will look in to this further in order to formulate our reply. I appreciate your getting back to me. Thanks again.

Jane McMullen
Policy and Environmental Analyst
Policy, Legislation and Communication
RWED 920-8069
jane_mcmullen@gov.nt.ca

-----Original Message-----

From: Zoe Posynick /YK /RWED
Sent: Monday, May 06, 2002 8:59 AM
To: Jane McMullen /YK /RWED
Subject: FW: Cantung review and clarification of process

-----Original Message-----

From: laurie /unix [mailto:laurie@mvlwb.com]
Sent: Monday, May 06, 2002 8:37 AM
To: brenda /unix; Zoe Posynick /YK /RWED; bwooley /unix; klauten /unix;
peter /unix
Subject: RE: Cantung review and clarification of process

Ms. McMullen,

I apologize for the delay in responding to your telephone inquiry, but I have been out of the office.

The last date to request that the Board refer the application to an Environmental Assessment is May 10, 2002, The comment due date. A Regulatory Authority, designated regulatory authority or department or agency of the

BDY.TXT

federal or territorial government, as well as a local government can refer the project when they desire to do so. See Section 126 - 2 of the MVRMA.

The Board is obliged to do a preliminary screening of this licence review as the previous licence is not subject to an exemption under section 157.1.

I trust this addresses your concerns,

Laurie Cordell
Regulatory Officer
Mackenzie Valley Land and Water Board
Phone: (867) 669-0506
Fax: (867) 873-6610

-----Original Message-----

From: Brenda Backen [mailto:brenda@mvlwb.com]
Sent: May 3, 2002 1:49 PM
To: Laurie Cordell; Stephen Mathyk; Bob Wooley; Peter Lennie-Misgeld; Karl Lauten
Subject: FW: Cantung review and clarification of process

N3L2-0004

-----Original Message-----

From: Zoe_Posynick@gov.nt.ca [mailto:Zoe_Posynick@gov.nt.ca]
Sent: Friday, May 03, 2002 1:42 PM
To: mvlwbpermit@mvlwb.com
Cc: Deb_Archibald@gov.nt.ca; Bob_Bailey@gov.nt.ca;
Warwick_Bullen@gov.nt.ca; Doris_Eggers@gov.nt.ca; Al_Gibson@gov.nt.ca;
Paul_Kraft@gov.nt.ca; Steven_Matthews@gov.nt.ca;
Jane_McMullen@gov.nt.ca; Juanita_Robinson@gov.nt.ca
Subject: FW: Cantung review and clarification of process

-----Original Message-----

From: Jane McMullen /YK/RWED
Sent: Friday, May 03, 2002 10:29 AM
To: Zoe Posynick /YK /RWED
Cc:
Subject: Cantung review and clarification of process

Dear Sir/Madam:

BDY.TXT

I have been requesting information over the phone and expecting a return call from your staff with regards to clarifying the process of the Cantung water licence review that is currently in progress. As I have not heard from anyone, and time is moving along, I am putting my information request in writing so that we can proceed appropriately. I have not had a chance to get over and meet with you but can arrange to do so next week. In the mean time we would appreciate a prompt reply to some questions that have been raised and are germane to our current review.

Two main questions have been raised and not clarified:

1. When is the last date to refer the Cantung review to EA?
2. Is the Board obliged to do a preliminary screening for licence renewals?

Other associated comments/questions are:

The information currently under review appears to have arrived under 3 cover letters all received on April 2, 2002.

>From Stephen Mathyk - 1) Abandonment and Restoration 2) Revised Spill Contingency Plan

>From Laurie Cordell - Water Licence Application

The standard cover letter for these correspondence states " Attached for

your review is the aforementioned _____ . Your comments will be used in the evaluation and Preliminary Screening of this plan."

Why are they screening the AR and Spill Contingency Plans?

The confusion arises with the fact that these are not new applications but reviews under an existing water licence, hence the appropriate information for a preliminary screening is not included. While the same

cover letter is included with the "Water Licence Application" . The application is on CD and addresses the physical site and physical/chemical aspects of the application.

Closer attention to the MVL&WB Questionnaire reveals that Appendix 1, entitled "List of Attachments" is in fact simply a reference list of documents that had been previously submitted by the proponent. Thus, information noted for complete review of this file is not there. Are

BDY.TXT

these available through the web site? Perhaps we could receive a copy of other reports when they are referenced for a preliminary screening? Other information that is valuable for the water licence application review is a record of the proponent's past performance. RWED would appreciate a copy of this information to assist in our review of this file.

It was also noted that attached in hard copy several pages entitled "North American Tungsten Corporation Ltd. Community Consultations and Archaeological Site Research". Within this compilation, I do not see an archaeological site research document, only a number of letters and records of meetings.

On disk the information includes:

- MVL&WB Questionnaire;
- Water Licence application;
- Figures 1-8; and
- Abandonment and Restoration Report.

Referring to the letters within the package, I note that on Nov. 16, 2001 Record of Meeting there is a paragraph which reads: "The upcoming renewal of the water licence was discussed. It was explained that North American Tungsten's interpretation of the legislation indicated that there should be no reason for the renewal to move beyond the authority of the Mackenzie Valley Land and Water Board and that an environmental assessment (EA) under the Mackenzie Valley Land and Water Board and that an environmental assessment (EA) under the

Mackenzie Valley Environmental Impact Review Board (MVEIRB) would not be

necessary. The Land and Water Board confirmed that NAT's interpretation

appeared to be correct, however it was indicated that there would likely

be efforts from third party interest to try and force the renewal to EA.

The staff pointed to the recent situation that Canadian Zinc

BDY.TXT

experience(d) when Parks Canada forced an environmental assessment by writing a letter to the MVEIRB. The staff indicated that in a similar situation the Land and Water Board Members could respond in the same manner.

I have found no clarification in the attached documents to further clarify process. Was clarification of process identified at this time?

Discussion at a recent staff meeting noted that information regarding both process and the project itself is lacking or conflicting. Verbal information passed on by the company differs from that which is documented. It is difficult to bring socioeconomic and wildlife management considerations into the current review process which is looking at requirements for a renewal of a water licence. The only technical documents on the table are a Revised Spill Contingency Plan and an Abandonment and Restoration plan. Staff have noted that a Mine Plan is required to publicly state the amount of reserves at a site. This and other information is germane to RWED and other GNWT mandates. Letters contained in the attached Community Consultation files note that there is a concern regarding Northwest Territories benefits.

We appreciate your immediate clarification on process from your perspective so that our staff and management can be informed appropriately.

Thank you.

Jane McMullen
Policy and Environmental Assessment Analyst
Resources, Wildlife and Economic Development
Government of the Northwest Territories
(867) 920-8069